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West Des Moines City Council Proceedings
Monday, October 30, 2017

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, October 30, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

City Manager Tom Hadden introduced Chris Scott, who has been hired as the next Police Chief and will start on December 4, 2017.

Chris Scott stated it is an honor and a privilege to be selected as the next Police Chief, and he is excited about the opportunity to be a part of the West Des Moines team.

On Item 1. Agenda. It was moved by Sandager, second by Messerschmidt approve the agenda as presented.

Vote 17-602: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum

Robert Greenway, 121 Elm Street, De Soto, spoke in support of the proposed local option sales and service tax.

On Item 3. Council/Manager/Other Entities Reports:

Bret Hodne, Public Services Director, recognized Public Services employees Ron Wiese, Larry Laughridge, and Matt Dolan, who served on the group that coordinated the 2017 Snow Plow Roadeo and the Snow Plow Operator Training Program. He then recognized the following 2017 Snow Plow Roadeo winners: Laramie Sandbulte (who placed 1st in the skid steer loader competition), Robb McMahon and Laramie Sandbulte (the team that placed 1st in the truck competition), Mark Smith and Trevor Bindel (the team that placed 3rd in the truck competition), and Trevor Bindel (who placed 8th in the skid steer loader competition).

Council member Mickelson left the Council Chambers at 5:45 p.m. and began participating via telephone.

D.T. Magee, Superintendent of the Norwalk Community School District, provided an update on his district, which is growing rapidly, and he stated they plan to break ground on a new elementary school in 2018.

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Council member Trimble reported the Finance and Administration Subcommittee met and discussed the sewer enterprise fund and stormwater enterprise fund.

Council member Messerschmidt reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau, where the annual audit was approved and discussion was held on the success of the Solheim Cup.

City Manager Tom Hadden, expressed appreciation to Interim Police Chief Jim Barrett, who has done a great job leading the department since November 2016.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Trimble to approve the consent agenda as presented.

- a. Approval of Minutes of October 16, 2017 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Aldi, Inc. d/b/a Aldi, Inc. #40, 6050 Mills Civic Parkway - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 2. Mangia Tutto, LLC d/b/a Billy Vee's, 304 5th Street - Class LC Liquor License with Sunday Sales - New
 - 3. West Des Moines Lodging Investors, LLC, d/b/a Hampton Inn, 7060 Lake Drive - Class BW Permit with Sunday Sales and Living Quarters - Renewal
 - 4. HIX West Des Moines, LLC d/b/a Holiday Inn Express & Suites, 240 Jordan Creek Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Living Quarters, and Outdoor Service Area - New
 - 5. Hy-Vee, Inc., d/b/a Hy-Vee Gas, 7280 University Avenue - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 6. Kum & Go, LC, d/b/a Kum & Go #532, 5901 Mills Civic Parkway, Building 2000 - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 - 7. Kum & Go, LC, d/b/a Kum & Go #1097, 220 50th Street - Class LE Liquor License with Carryout Beer, Carryout Wine, and Sunday Sales - Renewal
 - 8. Lemon Grass, LLC, d/b/a Lemon Grass, 1221 8th Street - Class BW Permit with Sunday Sales - Renewal
 - 9. Riley Drive Entertainment V, Inc., d/b/a Taco Hangover, 265 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 10. Taste! To Go and Catering, LC d/b/a Taste! To Go and Catering, 2500 Grand Avenue (Raccoon River Park Nature Lodge) - 5-Day Class BW Permit - Effective November 10-14, 2017
- d. Approval of Professional Services Agreements:
 - 1. Valley Junction Levee Trail Connection

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- 2. Windsor Heights Connection Feasibility Study
- e. Approval of Engagement Agreements - Legal Services
- f. Approval of Change Orders:
 - 1. Coachlight Drive (South Jordan Creek Parkway to South 81st Street) and South 77th Street (Coachlight Drive to Mills Civic Parkway), #1
 - 2. Raccoon River Park Road Drainage Improvements, #2
- g. Order Construction - Ashworth Road Improvements, Phase 2 - 81st Street to 88th Street
- h. Accept Work - Quail Park Sewer Channel Repair
- i. Approval and Acceptance of Purchase Agreements and Property Interests - Ashworth Road Improvements, Phase 2

Vote 17-603: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Jordan Creek Business Park, Village View Drive between South 60th Street and South 64th Street - Specific Plan Amendment to Allow SIC 4225 "Self-Service Storage Facility - Interior Unit Access with no Outside Storage Yard" as a Permitted Use, initiated by Rueter & Zenor Company and Rueter Corporation (Continued from July 10, 2017, August 7, 2017, August 21, 2017, September 5, 2017, September 18, 2017, and October 16, 2017)

It was moved by Sandager, second by Trevillyan to continue Item 5(a) Jordan Creek Business Park Specific Plan Amendment to November 13, 2017.

Vote 17-604: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) RB WDM Grand LLC PUD, 1525 and 1535 Grand Avenue - Establish Planned Unit Development to Regulate Codes and Standards of Property and Zone the Property Office, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance.

Vote 17-605: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 17-606: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 17-607: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(c) Amendment to City Code - Title 9 (Zoning) - Establish Regulations for the Allowance of Single Family Homes in Valley Junction Historic Business District and Valley Junction Commercial District, initiated by the City of West Des Moines

Mayor Gaer noted staff is recommending a modification to the proposed ordinance to clarify how it addresses first-floor residential for mixed use buildings.

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance, as modified by staff recommendation.

Vote 17-608: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance, as modified by staff recommendation.

Vote 17-609: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form, as modified by staff recommendation.

Vote 17-610: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(d) EP True Parkway Urban Renewal Area, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to consider the second reading of the ordinance.

Vote 17-611: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

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It was moved by Messerschmidt, second by Trevillyan to approve the second reading of the ordinance.

Vote 17-612: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Messerschmidt, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 17-613: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Vacation of Right of Way, Alley in the 23rd Block of First Addition to Valley Junction and Creation of a Permanent Public Utility Easement and Conveyance of Vacated Property, initiated by the City of West Des Moines. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on October 23, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance.

Vote 17-614: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-615: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Establishing a Permanent Public Utility Easement and Conveying a Portion of the Vacated Property to Community Housing Initiatives, Inc.

Vote 17-616: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Emerick-Williams Post 8879 Veterans of Foreign Wars of the United States, Inc. and Migliero Real-Estate, Inc. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on October 20, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Agreement.

Vote 17-617: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by High Water Investments, LLC and New Silk Road, LLC. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on October 20, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Agreement.

Vote 17-618: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Nine23, LLC and Sense of Accomplishment, Inc. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on October 20, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Agreement.

Vote 17-619: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by The Silvers Building, LLC and Paper Street Watering Company, LLC. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on October 20, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Agreement.

Vote 17-620: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider Raccoon River Bank Stabilization, initiated by the City of West Des Moines. He asked for the date the notice was published and the Acting City Clerk indicated the notice was published on October 20, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The Acting City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Acquisition of Agricultural Property.

Vote 17-621: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Hidden Creek Plat 5, 3640 Hidden Creek Drive - Subdivide Property into Two Lots for Residential Development, initiated by Graded Acres Trust (Scott Rairdon)

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-622: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) School of Classical Ballet, 1509 42nd Street - Approval of a Site Plan to Allow for the Construction of a 10,804 sq. ft. Ballet School, initiated by School of Classical Ballet

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It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Council member Trimble expressed concerns that the property does not yet have a secondary access. He suggested that this item be deferred to allow more time for the applicant to continue working with the neighboring property owners to establish the needed secondary access.

Linda Schemmel, Development Coordinator, stated the secondary access requirement is a condition of approval for this item, and the applicant is currently working to assure that secondary access.

Council member Mickelson suggested the Council approve this preliminary plat tonight, since the secondary access requirement is a condition of approval.

Ms. Schemmel noted the matter can be addressed when the Final Plat comes to Council for consideration.

Mayor Gaer noted the applicant is aware that the secondary access requirement is a condition of approval, and they are in agreement.

Council member Trimble encouraged the applicant to assure the secondary access as soon as possible to avoid investing heavily in the construction before fulfilling that condition.

Vote 17-623: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 9 (Human Rights Commission), Section 3 (Commission Appointed) - Increase the Number of Commission Members from Five to Seven and Eliminate the Six-Year Service Limitation, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trimble to consider the first reading of the ordinance.

Vote 17-624: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Trimble to approve the first reading of the ordinance.

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Vote 17-625: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 10 (Special Speed Zones) - Grand Avenue, 1,268 feet south of Park Drive to South 50th Street, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Mayor Gaer requested staff provide a report on how they arrived at this recommendation to increase the speed limit from 35 mph to 45 mph.

Bret Hodne, Public Services Director, reported the speed limit in this area was 45 mph prior to the Grand Avenue Improvements project, but it was reduced to 35 mph during the course of that project. He stated, at the conclusion of that project, staff conducted a speed study and found that the 85th percentile was travelling at speeds in excess of 45 mph. He also noted the project was designed to safely accommodate traffic speeds of 45 mph.

Bob Janeczko, Innovative Injection Technologies, 2360 Grand Avenue, spoke in support of the proposed ordinance to increase the speed limit from 35 mph to 45 mph.

Tom Cox, 4802 Plumwood Drive, spoke in support of the proposed ordinance to increase the speed limit from 35 mph to 45 mph.

Eric Thompson, 3724 Greenbranch Drive, inquired about the timing when the speed study was conducted.

Mr. Hodne responded these type of traffic studies are usually conducted over a two-week period.

Mr. Thompson noted the speed strips were out when dirt trucks were frequently passing through, and since they were speeding, he believes that may have skewed the findings of the speed study. He stated he is opposed to the proposed ordinance to increase the speed limit from 35 mph to 45 mph, because he believes no matter what the posted speed limit is, the traffic on that roadway will travel 10 mph over the limit.

Mike Bechtel, 3749 Greenbranch Drive, spoke in opposition to the proposed ordinance to increase the speed limit from 35 mph to 45 mph, citing concerns about safety and noise implications associated with the higher speed.

Mayor Gaer inquired if the project was designed with a specific speed limit cap in mind.

Mr. Hodne responded the design did not have a cap on the speed limit in mind. He stated there would be no reason from a design standard standpoint to not raise the speed limit to 45 mph, but

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he noted the City would need to look at other considerations before increasing the speed limit to anything higher than 45 mph. He also noted if any issues should arise in the future with a 45 mph speed, as the area develops and traffic increases, the City could always reconsider and change the speed limit if needed.

Council member Trimble stated he has heard resident comments on both sides of the issue, but the majority of comments have been supportive of increasing the speed limit to 45 mph. He also stated he does not believe increasing the speed limit to 45 mph will endanger public safety at all; therefore he will support this proposed ordinance.

Council member Mickelson noted if any safety concerns do arise, the speed limit can always be adjusted accordingly, therefore he will also support this proposed ordinance.

Council member Messerschmidt expressed concerns that a 45 mph speed limit could lead to vehicles speeding at 55 mph, which he believes would create a public safety issue for vehicles turning off the residential side streets. He stated that he will support this proposed ordinance, with the understanding that the speed limit can be adjusted in the future in response to any public safety issues.

Vote 17-626: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The Acting City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-627: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters

Mayor Gaer thanked staff for addressing concerns related to the railroad crossing on 60th Street. He also stated he has received complaints that the 35 mph speed limit on Veterans Parkway is too slow.

Bret Hodne, Public Services Director, stated staff has already looked at Veterans Parkway and will bring forward a recommendation to increase the speed limit to 40 mph.

The meeting was adjourned at 6:35 p.m.

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Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor